

Page 1 of 19
Permit No.: WA-000349-2
Issuance Date: April 18, 2005
Effective Date: July 1, 2005
Expiration Date: June 30, 2010

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM
WASTE DISCHARGE PERMIT NO. WA-000349-2

STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY
CENTRAL REGION OFFICE
YAKIMA, WASHINGTON 98902

In compliance with the provisions of
The State of Washington Water Pollution Control Law
Chapter 90.48 Revised Code of Washington
and
The Federal Water Pollution Control Act
(The Clean Water Act)
Title 33 United States Code, Section 1251 et seq.

KEYES FIBRE COMPANY
PO BOX 460
WENATCHEE, WA 98801

Facility Location:
3715 Chelan Highway
Wenatchee, WA 98801

Receiving Water
Columbia River, River Mile 470.2

Water Body I.D. No.:
WA-CR-1040

Discharge Location
Latitude: 47° 29' 07" N
Longitude: 120° 18' 46" W

Industry Type:
Molded Secondary Fiber Products

is authorized to discharge in accordance with the special and general conditions which follow.

G. Thomas Tebb, L.E.G.
Section Manager
Water Quality Program
Central Region Office
Washington State Department of Ecology

TABLE OF CONTENTS

| | <u>Page</u> |
|---|-------------|
| SUMMARY OF PERMIT REPORT SUBMITTALS..... | 4 |
| SPECIAL CONDITIONS | 5 |
| S1. DISCHARGE LIMITATIONS | 5 |
| A. Non-contact Cooling Water Discharges and Vacuum Seal Water | 5 |
| B. Mixing Zone Descriptions | 5 |
| S2. MONITORING REQUIREMENTS | 6 |
| A. Monitoring Schedule..... | 6 |
| B. Sampling and Analytical Procedures | 6 |
| C. Flow Measurement..... | 7 |
| D. Laboratory Accreditation | 7 |
| E. Waiver of Chlorophenolic Compound Monitoring..... | 7 |
| S3. REPORTING AND RECORDKEEPING REQUIREMENTS | 7 |
| A. Reporting..... | 8 |
| B. Records Retention | 8 |
| C. Recording of Results | 8 |
| D. Additional Monitoring by the Permittee | 9 |
| E. Noncompliance Notification | 9 |
| F. Maintaining a Copy of This Permit | 9 |
| S4. OPERATION AND MAINTENANCE..... | 10 |
| A. O&M Manual Update | 10 |
| S5. SOLID WASTE DISPOSAL | 10 |
| A. Solid Waste Handling | 10 |
| B. Leachate | 10 |
| C. Solid Waste Control Plan Update | 10 |
| S6. SPILL CONTROL PLAN UPDATE..... | 11 |
| GENERAL CONDITIONS | 12 |
| G1. SIGNATURE AUTHORIZATION/DELEGATION | 12 |
| G2. RIGHT OF INSPECTION AND ENTRY | 13 |
| G3. PERMIT ACTIONS..... | 13 |
| G4. REPORTING PLANNED CHANGES..... | 14 |
| G5. PLAN REVIEW REQUIRED | 15 |
| G6. COMPLIANCE WITH OTHER LAWS AND STATUTES..... | 15 |
| G7. DUTY TO REAPPLY | 15 |
| G8. TRANSFER OF THIS PERMIT | 15 |
| G9. REDUCED PRODUCTION FOR COMPLIANCE | 16 |
| G10. REMOVED SUBSTANCES | 16 |
| G11. DUTY TO PROVIDE INFORMATION..... | 16 |
| G12. OTHER REQUIREMENTS OF 40 CFR..... | 16 |

| | | |
|------|---|----|
| G13. | ADDITIONAL MONITORING | 16 |
| G14. | PAYMENT OF FEES..... | 16 |
| G15. | PENALTIES FOR VIOLATING PERMIT CONDITIONS | 16 |
| G16. | UPSET | 17 |
| G17. | PROPERTY RIGHTS..... | 17 |
| G18. | DUTY TO COMPLY | 17 |
| G19. | TOXIC POLLUTANTS..... | 18 |
| G20. | PENALTIES FOR TAMPERING | 18 |
| G21. | REPORTING ANTICIPATED NON-COMPLIANCE..... | 18 |
| G22. | REPORTING OTHER INFORMATION..... | 18 |
| G23. | COMPLIANCE SCHEDULES | 19 |

SUMMARY OF PERMIT REPORT SUBMITTALS

Refer to the Special and General Conditions of this permit for additional submittal requirements.

| Permit Section | Submittal | Frequency | First Submittal Date |
|----------------|---|-------------------------------|-------------------------------|
| S3. | Discharge Monitoring Report | Quarterly | October 15, 2005 ^a |
| S4.A. | Operation and Maintenance Manual Update | 1/permit cycle | August 1, 2005 |
| S5.C. | Solid Waste Plan Update | As necessary | August 1, 2005 |
| S6. | Spill Plan Update | 1/permit cycle then as needed | August 1, 2005 |
| G1. | Signature Authorization/Delegation | As necessary | As necessary |
| G7. | Application for permit renewal | 1/permit cycle | June 30, 2009 |

^a DMRs submitted quarterly on January 15, April 15, July 15, and October 15

SPECIAL CONDITIONS

S1. DISCHARGE LIMITATIONS

A. Non-contact Cooling Water Discharges and Vacuum Seal Water

All discharges and activities authorized by this permit shall be consistent with the terms and conditions of this permit. The discharge of any of the following pollutants more frequently than, or at a concentration in excess of, that authorized by this permit shall constitute a violation of the terms and conditions of this permit.

Beginning on **July 1, 2005** and lasting through **June 30, 2010**, the Permittee is authorized to discharge non-contact cooling and vacuum seal water to the Columbia River at the permitted location subject to meeting the following limitations:

| EFFLUENT LIMITATIONS: OUTFALL # 001 | | |
|--|------------------------------|----------------------------|
| Parameter | Average Monthly ^a | Maximum Daily ^b |
| 5-Day Biochemical Oxygen Demand (BOD ₅), in lbs/day | 187 | 357 |
| Total Suspended Solids (TSS), in lbs/day | 391 | 748 |
| Pentachlorophenol, in lbs/day ^c | NA | 0.44 |
| Trichlorophenol, in lbs/day ^c | NA | 0.15 |
| pH , in Standard Units (S. U.'s) | Between 6 and 9 | |
| ^a The average monthly effluent limitation is defined as the highest allowable average of daily discharges over a calendar month, calculated as the sum of all daily discharges measured during a calendar month divided by the number of daily discharges measured during that month. If only one sample is taken during the calendar month, the maximum daily effluent limitation applies to that sample. | | |
| ^b The maximum daily effluent limitation is defined as the highest allowable daily discharge. The daily discharge means the discharge of a pollutant measured during a calendar day. For pollutants with limitations expressed in units of mass, the daily discharge is calculated as the total mass of the pollutant discharged over the day. For other units of measurement, the daily discharge is the average measurement of the pollutant over the day. | | |
| ^c In accordance with 40 CFR 430.105 the Permittee may forego monitoring by certifying chlorophenols are not used at the facility. In the event the Permittee institutes a biocide program using chlorophenols the listed limitations will be required either through an Administrative Order, permit modification or renewal. | | |

B. Mixing Zone Descriptions

The maximum boundaries of the mixing zones are defined as follows:

The chronic mixing zone shall extend **300 feet** downstream and **100 feet** upstream resulting in a dilution factor of **324:1**.

S2. MONITORING REQUIREMENTS

A. Monitoring Schedule

| Category | Parameter | Units | Sample Point | Minimum Sampling Frequency | Sample Type |
|---------------------------|--------------------------------|---------|------------------------------|----------------------------|--------------------------------|
| Non-contact Cooling Water | Flow | MGD | Final Discharge ¹ | Daily ² | Continuous |
| " | BOD ₅ | mg/L | " | Monthly ³ | 24-hour composite ⁴ |
| | | lbs/day | " | " | Calculation ⁵ |
| " | TSS | mg/L | " | Monthly | 24-hour composite |
| | | lbs/day | " | " | Calculation |
| " | Temperature | ° C | " | Weekly | Grab ⁶ |
| " | pH | S. U.'s | " | Weekly | Grab |
| " | Pentachlorophenol ⁷ | ug/L | " | Annual | 24-hour composite |
| | | lbs/day | " | | |
| " | Trichlorophenol ⁷ | ug/L | " | Annual | 24-hour composite |
| | | lbs/day | " | | |

² "Daily" means to sample within a 24 hour period

³ "Monthly" means sample once in a calendar month

⁴ "24-hr composite" means a series of, at least, four individual samples collected over a 24-hour period at selected intervals based on an increment of either flow or time, and combined into a single container to be subsequently analyzed as one sample.

⁵ Calculated by multiplying concentration (mg/l) X flow (in millions of gallons per day) X 8.34 (conversion factor).

⁶ "Grab" means an individual sample collected in less than 15 minutes.

⁷ In accordance with 40 CFR 430.105 the Permittee may forego monitoring by certifying chlorophenols are not used at the facility. In the event the Permittee institutes a biocide program using chlorophenols or the Permittee fails to certify chlorophenols, monitoring will be required as indicated in the above monitoring table.

B. Sampling and Analytical Procedures

Samples and measurements taken to meet the requirements of this permit shall be representative of the volume and nature of the monitored parameters, including representative sampling of any unusual discharge or discharge condition, including bypasses, upsets, and maintenance-related conditions affecting effluent quality.

Sampling and analytical methods used to meet the monitoring requirements specified in this permit shall conform to the latest revision of the *Guidelines Establishing Test*

Procedures for the Analysis of Pollutants contained in 40 CFR Part 136 or to the latest revision of *Standard Methods for the Examination of Water and Wastewater* (APHA), unless otherwise specified in this permit or approved in writing by the Department of Ecology (Department).

C. Flow Measurement

Appropriate flow measurement devices and methods consistent with accepted scientific practices shall be selected and used to ensure the accuracy and reliability of measurements of the quantity of monitored flows. The devices shall be installed, calibrated, and maintained to ensure that the accuracy of the measurements are consistent with the accepted industry standard for that type of device. Frequency of calibration shall be in conformance with manufacturer's recommendations. Calibration records shall be maintained for at least 3 years.

D. Laboratory Accreditation

All monitoring data required by the Department shall be prepared by a laboratory registered or accredited under the provisions of, *Accreditation of Environmental Laboratories*, Chapter 173-50 WAC. Flow, temperature, settleable solids, conductivity, pH, turbidity, and internal process control parameters are exempt from this requirement. Conductivity and pH shall be accredited if the laboratory must otherwise be registered or accredited. The Department exempts crops, soils, and hazardous waste data from this requirement pending accreditation of laboratories for analysis of these media.

E. Waiver of Chlorophenolic Compound Monitoring

The Permittee may have monitoring for trichlorophenolic compounds waived in accordance with 40 CR 430. 105, New Source Performance Standards. A waiver of the monitoring requirement will be in effect upon annual receipt of an affidavit signed by the responsible party attesting that trichlorophenolic compounds are not used in its facility. If in the event the Permittee begins using chlorophenolic compounds or fails to submit a "no use" affidavit monitoring shall revert to the frequency contained in Special Condition, S2.A.

S3. REPORTING AND RECORDKEEPING REQUIREMENTS

The Permittee shall monitor and report in accordance with the following conditions. The falsification of information submitted to the Department shall constitute a violation of the terms and conditions of this permit.

A. Reporting

The first monitoring period begins on **July 1, 2005**. Monitoring results shall be reported on monthly DMR forms and submitted quarterly. Monitoring data obtained during each monitoring period shall be summarized, reported, and submitted on a Discharge Monitoring Report (DMR) form provided, or otherwise approved, by the Department. DMR forms shall be received no later than the 15th day of the month following the completed monitoring period, unless otherwise specified in this permit. Quarterly submittal dates are **January 15, April 15, July 15, and October 15**. Priority pollutant analysis data shall be submitted no later than 45 days following the monitoring period. Unless otherwise specified, all toxicity test data shall be submitted within 60 days after the sample date. The report(s) shall be sent to:

Permit Data Systems Manager
Department of Ecology
Central Regional Office
15 West Yakima Avenue, Suite 200
Yakima, Washington 98902

All laboratory reports providing data for organic and metal parameters shall include the following information: sampling date, sample location, date of analysis, parameter name, CAS number, analytical method/ number, method detection limit (MDL), laboratory practical quantitation limit (PQL), reporting units, and concentration detected.

Discharge Monitoring Report forms must be completed monthly and submitted quarterly whether or not the facility was discharging. If there was no discharge during a given monitoring period, submit the form as required with the words "no discharge" entered in place of the monitoring results.

B. Records Retention

The Permittee shall retain records of all monitoring information for a minimum of 3 years. Such information shall include all calibration and maintenance records and all original recordings for continuous monitoring instrumentation, copies of all reports required by this permit, and records of all data used to complete the application for this permit. This period of retention shall be extended during the course of any unresolved litigation regarding the discharge of pollutants by the Permittee or when requested by the Director.

C. Recording of Results

For each measurement or sample taken, the Permittee shall record the following information: (1) the date, exact place, method, and time of sampling or measurement;

(2) the individual who performed the sampling or measurement; (3) the dates the analyses were performed; (4) the individual who performed the analyses; (5) the analytical techniques or methods used; and (6) the results of all analyses.

D. Additional Monitoring by the Permittee

If the Permittee monitors any pollutant more frequently than required by this permit using test procedures specified by Special Condition S2. of this permit, then the results of this monitoring shall be included in the calculation and reporting of the data submitted in the Permittee's DMR.

E. Noncompliance Notification

In the event the Permittee is unable to comply with any of the terms and conditions of this permit due to any cause, the Permittee shall:

1. Immediately take action to stop, contain, and clean up unauthorized discharges or otherwise stop the noncompliance, correct the problem and, if applicable, repeat sampling and analysis of any noncompliance immediately and submit the results to the Department within thirty (30) days after becoming aware of the violation.
2. Immediately notify the Department of the failure to comply.
3. Submit a detailed written report to the Department within 30 days (five days for upsets and bypasses), unless requested earlier by the Department. The report shall contain a description of the noncompliance, including exact dates and times, and if the noncompliance has not been corrected, the anticipated time it is expected to continue; and the steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance.

Compliance with these requirements does not relieve the Permittee from responsibility to maintain continuous compliance with the terms and conditions of this permit or the resulting liability for failure to comply.

F. Maintaining a Copy of This Permit

A copy of this permit shall be kept at the facility and be made available upon request to Ecology inspectors.

S4. OPERATION AND MAINTENANCE

The Permittee shall, at all times, properly operate and maintain all facilities or systems of treatment and control (and related appurtenances) which are installed to achieve compliance with the terms and conditions of this permit. Proper operation and maintenance (O&M) also includes adequate laboratory controls and appropriate quality assurance procedures. This provision requires the operation of back-up or auxiliary facilities or similar systems, which are installed by a Permittee only when the operation is necessary to achieve compliance with the conditions of this permit.

A. O&M Manual Update

The O&M Manual shall be updated by the Permittee and submitted to the Department for approval no later than **August 1, 2005**. The O & M Manual shall specifically address the maintenance and calibration of the conductivity probe and process water shut off procedures to prevent contamination of non-contact cooling water with the closed loop process water. Substantial changes or updates to the O&M Manual shall be submitted to the Department whenever they are incorporated into the manual.

The approved O&M Manual shall be kept available at the permitted facility and all operators shall follow the instructions and procedures of this manual.

S5. SOLID WASTE DISPOSAL

A. Solid Waste Handling

The Permittee shall handle and dispose of all solid waste material in such a manner as to prevent its entry into State ground or surface water.

B. Leachate

The Permittee shall not allow leachate from its solid waste material to enter State waters without providing all known, available and reasonable methods of prevention, control and treatment (AKART), nor allow such leachate to cause violations of the State Surface Water Quality Standards, Chapter 173-201A WAC, or the State Ground Water Quality Standards, Chapter 173-200 WAC. The Permittee shall apply for a permit or permit modification as may be required for such discharges to State ground or surface waters.

C. Solid Waste Control Plan Update

Under authority of RCW 90.48.080, the Permittee shall develop and submit to the Department and the Jurisdictional Health Department, a Solid Waste Plan to prevent

solid waste from causing pollution of waters of the state. This plan shall include all solid wastes with the exception of those solid wastes regulated by Chapter 173-303 WAC (Dangerous Waste Regulations). The plan shall meet the rule requirements of Chapter 173-350 WAC.

The plan shall include at a minimum: a description, source, generation rate, and disposal methods of these solid wastes. The plan shall identify specific individuals who are responsible for said plan and a means to contact them during normal hours of business. This plan shall not be at variance with any approved local solid waste management plan. Any proposed revision or modification of the solid waste handling plan must be submitted to the Department. The Permittee shall comply with the plan and any modifications thereof. This plan shall be updated annually or as conditions change, whichever is more frequent. The Permittee shall submit to the Department an update of the Solid Waste Control Plan for approval no later than **August 1, 2005**.

S6. SPILL CONTROL PLAN UPDATE

The Permittee shall review its Spill Plan and submit an updated spill plan to the Department for approval no later than **August 1, 2005** and update it as needed thereafter. All revisions or updates of this plan shall be submitted to the Department. The plan shall be maintained onsite and be readily available to facility personnel. The Permittee shall submit certification that it is current, with the application for permit renewal.

Plans and manuals required by 40 CFR Part 112, contingency plans required by Chapter 173-303 WAC, or other plans required by other agencies which meet the intent of this permit condition may be submitted.

GENERAL CONDITIONS

G1. SIGNATURE AUTHORIZATION/DELEGATION

All applications, reports, or information submitted to the Department shall be signed and certified.

- A. All permit applications shall be signed by either a responsible corporate officer of at least the level of vice president of a corporation, a general partner of a partnership, or the proprietor of a sole proprietorship.
- B. All reports required by this permit and other information requested by the Department shall be signed by a person described above or by a duly authorized representative of that person. A person is a duly authorized representative only if:
 - 1. The authorization is made in writing by a person described above and submitted to the Department.
 - 2. The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility, such as the position of plant manager, superintendent, position of equivalent responsibility, or an individual or position having overall responsibility for environmental matters. (A duly authorized representative may thus be either a named individual or any individual occupying a named position.)
- C. Changes to authorization. If an authorization under paragraph B.2 above is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, a new authorization satisfying the requirements of paragraph B.2 above must be submitted to the Department prior to or together with any reports, information, or applications to be signed by an authorized representative.
- D. Certification. Any person signing a document under this section shall make the following certification:

I certify under penalty of law, that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information,

including the possibility of fine and imprisonment for knowing violations.

G2. RIGHT OF INSPECTION AND ENTRY

The Permittee shall allow an authorized representative of the Department, upon the presentation of credentials and such other documents as may be required by law:

- A. To enter upon the premises where a discharge is located or where any records must be kept under the terms and conditions of this permit.
- B. To have access to and copy - at reasonable times and at reasonable cost - any records required to be kept under the terms and conditions of this permit.
- C. To inspect - at reasonable times - any facilities, equipment (including monitoring and control equipment), practices, methods, or operations regulated or required under this permit.
- D. To sample or monitor - at reasonable times - any substances or parameters at any location for purposes of assuring permit compliance or as otherwise authorized by the Clean Water Act.

G3. PERMIT ACTIONS

This permit may be modified, revoked and reissued, or terminated either at the request of any interested person (including the Permittee) or upon the Department's initiative. However, the permit may only be modified, revoked and reissued, or terminated for the reasons specified in 40 CFR 122.62, 122.64 or WAC 173-220-150 according to the procedures of 40 CFR 124.5.

- A. The following are causes for terminating this permit during its term, or for denying a permit renewal application:
 - 1. Violation of any permit term or condition.
 - 2. Obtaining a permit by misrepresentation or failure to disclose all relevant facts.
 - 3. A material change in quantity or type of waste disposal.
 - 4. A determination that the permitted activity endangers human health or the environment or contributes to water quality standards violations and can only be regulated to acceptable levels by permit modification or termination [40 CFR part 122.64(3)].
 - 5. A change in any condition that requires either a temporary or permanent reduction or elimination of any discharge or sludge use or disposal practice controlled by the permit [40 CFR part 122.64(4)].
 - 6. Nonpayment of fees assessed pursuant to RCW 90.48.465.

7. Failure or refusal of the Permittee to allow entry as required in RCW 90.48.090.
- B. The following are causes for modification but not revocation and reissuance except when the Permittee requests or agrees:
1. A material change in the condition of the waters of the State.
 2. New information not available at the time of permit issuance that would have justified the application of different permit conditions.
 3. Material and substantial alterations or additions to the permitted facility or activities which occurred after this permit issuance.
 4. Promulgation of new or amended standards or regulations having a direct bearing upon permit conditions, or requiring permit revision.
 5. The Permittee has requested a modification based on other rationale meeting the criteria of 40 CFR part 122.62.
 6. The Department has determined that good cause exists for modification of a compliance schedule, and the modification will not violate statutory deadlines.
 7. Incorporation of an approved local pretreatment program into a municipality's permit.
- C. The following are causes for modification or alternatively revocation and reissuance:
1. Cause exists for termination for reasons listed in A1 through A7, of this section, and the Department determines that modification or revocation and reissuance is appropriate.
 2. The Department has received notification of a proposed transfer of the permit. A permit may also be modified to reflect a transfer after the effective date of an automatic transfer (General Condition G8) but will not be revoked and reissued after the effective date of the transfer except upon the request of the new Permittee.

G4. REPORTING PLANNED CHANGES

The Permittee shall, as soon as possible, but no later than 60 days prior to the proposed changes, give notice to the Department of planned physical alterations or additions to the permitted facility, production increases, or process modification which will result in: 1) the permitted facility being determined to be a new source pursuant to 40 CFR 122.29(b); 2) a significant change in the nature or an increase in quantity of pollutants discharged; or 3) a significant change in the Permittee's sludge use or disposal practices. Following such notice, and the submittal of a new application or supplement to the existing application, along with required engineering plans and reports, this permit may be modified, or revoked and reissued pursuant to 40 CFR 122.62(a) to specify and limit any pollutants not previously limited. Until such modification is effective, any new or increased discharge in excess of permit limits or not specifically authorized by this permit constitutes a violation.

G5. PLAN REVIEW REQUIRED

Prior to constructing or modifying any wastewater control facilities, an engineering report and detailed plans and specifications shall be submitted to the Department for approval in accordance with Chapter 173-240 WAC. Engineering reports, plans, and specifications shall be submitted at least 180 days prior to the planned start of construction unless a shorter time is approved by Ecology. Facilities shall be constructed and operated in accordance with the approved plans.

G6. COMPLIANCE WITH OTHER LAWS AND STATUTES

Nothing in this permit shall be construed as excusing the Permittee from compliance with any applicable Federal, State, or local statutes, ordinances, or regulations.

G7. DUTY TO REAPPLY

The Permittee shall apply for permit renewal at least 1 year prior to the specified expiration date of this permit.

G8. TRANSFER OF THIS PERMIT

In the event of any change in control or ownership of facilities from which the authorized discharge emanate, the Permittee shall notify the succeeding owner or controller of the existence of this permit by letter, a copy of which shall be forwarded to the Department.

A. Transfers by Modification

Except as provided in paragraph B below, this permit may be transferred by the Permittee to a new owner or operator only if this permit has been modified or revoked and reissued under 40 CFR 122.62(b)(2), or a minor modification made under 40 CFR 122.63(d), to identify the new Permittee and incorporate such other requirements as may be necessary under the Clean Water Act.

B. Automatic Transfers

This permit may be automatically transferred to a new Permittee if:

1. The Permittee notifies the Department at least 30 days in advance of the proposed transfer date.
2. The notice includes a written agreement between the existing and new Permittee's containing a specific date transfer of permit responsibility, coverage, and liability between them.
3. The Department does not notify the existing Permittee and the proposed new

Permittee of its intent to modify or revoke and reissue this permit. A modification under the subparagraph may also be minor modification under 40 CFR 122.63. If this notice is not received, the transfer is effective on the date specified in the written agreement.

G9. REDUCED PRODUCTION FOR COMPLIANCE

The Permittee, in order to maintain compliance with its permit, shall control production and/or all discharges upon reduction, loss, failure, or bypass of the treatment facility until the facility is restored or an alternative method of treatment is provided. This requirement applies in the situation where, among other things, the primary source of power of the treatment facility is reduced, lost, or fails.

G10. REMOVED SUBSTANCES

Collected screenings, grit, solids, sludges, filter backwash, or other pollutants removed in the course of treatment or control of wastewaters shall not be resuspended or reintroduced to the final effluent stream for discharge to State waters.

G11. DUTY TO PROVIDE INFORMATION

The Permittee shall submit to the Department, within a reasonable time, all information which the Department may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this permit or to determine compliance with this permit. The Permittee shall also submit to the Department upon request, copies of records required to be kept by this permit.

G12. OTHER REQUIREMENTS OF 40 CFR

All other requirements of 40 CFR 122.41 and 122.42 are incorporated in this permit by reference.

G13. ADDITIONAL MONITORING

The Department may establish specific monitoring requirements in addition to those contained in this permit by administrative order or permit modification.

G14. PAYMENT OF FEES

The Permittee shall submit payment of fees associated with this permit as assessed by the Department.

G15. PENALTIES FOR VIOLATING PERMIT CONDITIONS

Any person who is found guilty of willfully violating the terms and conditions of this permit shall be deemed guilty of a crime, and upon conviction thereof shall be punished by a fine of up to \$10,000 and costs of prosecution, or by imprisonment in the discretion of the court. Each day upon which a willful violation occurs may be deemed a separate and additional violation.

Any person who violates the terms and conditions of a waste discharge permit shall incur, in addition to any other penalty as provided by law, a civil penalty in the amount of up to \$10,000 for every such violation. Each and every such violation shall be a separate and distinct offense, and in case of a continuing violation, every day's continuance shall be deemed to be a separate and distinct violation.

G16. UPSET

Definition – “Upset” means an exceptional incident in which there is unintentional and temporary noncompliance with technology-based permit effluent limitations because of factors beyond the reasonable control of the Permittee. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.

An upset constitutes an affirmative defense to an action brought for noncompliance with such technology-based permit effluent limitations if the requirements of the following paragraph are met.

A Permittee who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs or other relevant evidence that: 1) an upset occurred and that the Permittee can identify the cause(s) of the upset; 2) the permitted facility was being properly operated at the time of the upset; 3) the Permittee submitted notice of the upset as required in Special Condition S3.E; and 4) the Permittee complied with any remedial measures required under Special Condition S4.C of this permit.

In any enforcement proceeding the Permittee seeking to establish the occurrence of an upset has the burden of proof.

G17. PROPERTY RIGHTS

This permit does not convey any property rights of any sort, or any exclusive privilege.

G18. DUTY TO COMPLY

The Permittee shall comply with all conditions of this permit. Any permit noncompliance constitutes a violation of the Clean Water Act and is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or denial of a permit renewal application.

G19. TOXIC POLLUTANTS

The Permittee shall comply with effluent standards or prohibitions established under Section 307(a) of the Clean Water Act for toxic pollutants within the time provided in the regulations that establish those standards or prohibitions, even if this permit has not yet been modified to incorporate the requirement.

G20. PENALTIES FOR TAMPERING

The Clean Water Act provides that any person who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required to be maintained under this permit shall, upon conviction, be punished by a fine of not more than \$10,000 per violation, or by imprisonment for not more than 2 years per violation, or by both. If a conviction of a person is for a violation committed after a first conviction of such person under this Condition, punishment shall be a fine of not more than \$20,000 per day of violation, or by imprisonment of not more than 4 years, or by both.

G21. REPORTING ANTICIPATED NON-COMPLIANCE

The Permittee shall give advance notice to the Department by submission of a new application or supplement thereto at least 180 days prior to commencement of such discharges, of any facility expansions, production increases, or other planned changes, such as process modifications, in the permitted facility or activity which may result in noncompliance with permit limits or conditions. Any maintenance of facilities, which might necessitate unavoidable interruption of operation and degradation of effluent quality, shall be scheduled during non-critical water quality periods and carried out in a manner approved by the Department.

G22. REPORTING OTHER INFORMATION

Where the Permittee becomes aware that it failed to submit any relevant facts in a permit application, or submitted incorrect information in a permit application or in any report to the Department, it shall promptly submit such facts or information.

G23. COMPLIANCE SCHEDULES

Reports of compliance or noncompliance with, or any progress reports on, interim and final requirements contained in any compliance schedule of this permit shall be submitted no later than 14 days following each schedule date.